

REMARKS

The application has been amended and is believed to be in condition for allowance.

Claims 1-14 are pending. Claims 1, 5, and 7 are independent.

There are no formal matters outstanding.

Applicants acknowledge with appreciation that the Official Action indicated that claims 9-10 and 12-14 were directed to allowable subject matter.

Substantive Rejections

Claims 1, 2, and 5-7 stand rejected as anticipated by KIMURA et al. US 2002/0099722 ("KIMURA").

Claims 3, 8, and 11 stand rejected as obvious over KIMURA in view of ARAMAKI et al. (JP 10-144011).

Claim 4 stands rejected as obvious over KIMURA in view of FUKASAWA 6,615,363.

Arguments

Applicants respectfully disagree as to each rejection.

1. Rejection 1

Rejection 1 under 35 USC §102(a) in which KIMURA is relied upon is directed to claims 1, 2 and 5-7.

As recited in independent claim 1, an information recording apparatus of the present invention includes a recording device, a confirming device and a control device.

The recording device records the content information on the first part of a plurality of content information recording areas. The confirming device confirms a recording result of the content information recorded on the first part. The control device controls the recording device, only when the recording result is confirmed to be successful, so the content information that is identical with the content information recorded on the first part of the content information recording areas can be recorded on the second part of the content information recording areas.

As is clear from the foregoing, the present invention claimed in claim 1 has the features that the confirming device confirms (i.e., verifies) whether the recording result of the content information (or location information, as per claim 7), which has been recorded by means of the recording device, is successful or not, and only when the recording result is confirmed (i.e., verified) to be successful, content information that is identical with the content information recorded on the first part of the content information recording areas is recorded the second (i.e., next) part of the content information recording area under the control of the control device. As to the "only" condition, see "only" beginning line 14 of claim 1.

To the contrary, in KIMURA, when the AV file system performs writing into sectors in the MIAs, it performs Write and Verify to confirm that writing has been performed correctly. If

the AV file system has failed in the writing, then it writes #FFF0 into the entry field of one of the MIA maps, and then performs a same sequence of operations for a sector in the other MIA. Further, the AV file system writes the MIAs at two locations of the logical volume to assure a high degree of reliability (see paragraph 0192). However, KIMURA neither discloses nor suggests that, only when the recording result is confirmed to be successful, the writing into the sectors in the MIAs is performed in the same manner.

In the regard, an object of the present invention is to "prevent, when an error occurs in the recorded information, not only the information with the error, but also information as previously recorded to be erased". Such an object can be achieved by disabling, when the recorded information is verified to be unsuccessful, namely the recorded information includes the error, any information from being recorded (i.e., written) in the other (second) part of the content information recording areas (or in a cluster). In KIMURA, when an error occurs in the recording (writing), the same information is written in the other sector. Consequently, when the second writing also ends in failure, not only the new data, but also the previous data recorded in the sector prior to the second writing are erased, thus making it impossible to achieve the object of the present invention.

As is clear from the foregoing, the present invention claimed in independent claim 1 and KIMURA are quite different in structure and functions. Therefore, the subject matter of claim 1 has patentability over KIMURA. Claim 2, which depends from claim 1, has patentability along with claim 1.

The same reasoning applies to independent claims 5 and 7. Therefore, applicants believe that the subject matter of claims 5 and 7 has patentability over KIMURA. Claim 6, which depends from claim 5, has patentability along with claim 5.

Applicants therefore request reconsideration and withdrawal of the anticipation rejection.

2. Rejections 2 and 3

Rejection 2 is directed to claims 3, 8 and 11. Rejection 3 is directed to claim 4. Claims 9-10 and 12-14 are indicated to be allowable. Claims 3 and 4 depend from independent claim 1, and claims 8-14 depend from independent claim 7. Accordingly, claims 3 and 4 have patentability along with independent claim 1, and claims 8-14 have patentability along with independent claim 7.

In summary, each of the independent claims are believed allowable and the dependent claims are believed allowable at least for depending from an allowable claim.

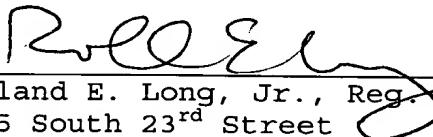
Applicants respectfully request that the pending claims be reconsidered and allowance of the case be indicated.

Should there be any formal matters, it is requested that the undersigned attorney be contacted so that these can be quickly resolved and the case passed to allowance.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Roland E. Long, Jr., Reg. No. 41,949
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573

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